

EXHIBIT A

**#23 PROPOSED ARTICLE X, DEPARTMENT OF LAW
SECTION 10.01, CITY ATTORNEY
SECTION 10.03, GENERAL POWERS AND DUTIES**

Present Charter	Proposed Charter	Reasoning
ARTICLE X DEPARTMENT OF LAW SECTION 10.01, CITY ATTORNEY There is hereby created the Department of Law to be headed by a City Attorney who shall be elected from the City at large to a four (4) year term of office. At the regular municipal election in 1987, and each second regular municipal election thereafter, the City Attorney shall be elected for a term of four (4) years. The term shall commence and the City Attorney shall assume office on January 2 (if January 2 is a Sunday, then on January 3) next following the City Attorney's election. The City Attorney shall hold office until the City Attorney's successor is elected and qualified. In the event of the death, resignation, recall, or removal of the City Attorney, a successor in office shall be appointed by the majority vote of the Council to serve until the 1st of January following the next regular municipal election. If such election be the time for the regular election of a City Attorney, a City Attorney shall then	ARTICLE X DEPARTMENT OF LAW SECTION 10.01, CITY ATTORNEY There is hereby created the Department of Law to be headed by a City Attorney who shall be elected from the City at large to a four (4) year term of office. At the regular municipal election in 1987, and each second regular municipal election thereafter, the City Attorney shall be elected for a term of four (4) years. The term shall commence and the City Attorney shall assume office on January 2 (if January 2 is a Sunday, then on January 3) next following the City Attorney's election. The City Attorney shall hold office until the City Attorney's successor is elected and qualified. In the event of the death, resignation, recall, or removal of the City Attorney, a successor in office shall be appointed by the majority vote of the Council to serve until the 1st of January (if January 1 is a Saturday, then January 2) following the next regular municipal election for which a successor may be	ARTICLE X DEPARTMENT OF LAW SECTION 10.01, CITY ATTORNEY The purpose of the change is to provide internal consistency and provide for the scenario of a vacancy being created after petition deadlines for a municipal election. SECTION 10.03, GENERAL POWERS AND DUTIES The purpose of the change is to provide grammatical corrections, internal consistency, and to allow for reporting to be at the end of the year to avoid an incoming City Attorney having an obligation to report on the predecessor's term.

be elected to serve for a term of four (4) years; otherwise for the remainder of the unexpired term. If the vacancy occurs within ninety (90) days of the next regular municipal election, then the appointed City Attorney shall serve for the remainder of the unexpired term. The vacancy for the unexpired term shall be filled by an appointment made by a majority vote of the members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. SECTION 10.03, GENERAL POWERS AND DUTIES The City Attorney shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments thereof in matters relating to their official duties. The City Attorney shall prosecute or defend all suits for and in behalf of the City, and shall prepare all contracts, bonds and other instruments in writing in which the City is concerned and shall certify in writing the City	elected. If such election be the time for the regular election of a City Attorney, a City Attorney shall then be elected to serve for a term of four (4) years; otherwise for the remainder of the unexpired term. If the vacancy occurs within ninety (90) days of the next regular municipal election, then the appointed City Attorney shall serve for the remainder of the unexpired term. The vacancy for the unexpired term shall be filled by an appointment made by a majority vote of the members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. SECTION 10.03, GENERAL POWERS AND DUTIES The City Attorney shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments thereof in matters relating to their official duties. The City Attorney shall prosecute or defend all suits for and in on behalf of the City, and shall prepare or review all contracts, bonds and other instruments in		
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Attorney's approval of the form and correctness thereof. The City Attorney may appoint such assistants and secretaries and clerks as Council may authorize. The City Attorney shall maintain an office in City Hall. The City Attorney shall be the prosecuting attorney for the City. The City Attorney may detail such of the City Attorney's assistants as the City Attorney may deem proper to assist in such work. The City Attorney shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the Prosecuting Attorney of the County. The City Attorney shall prosecute or defend for and in behalf of the City, all complaints, suits, and controversies in which the City is a party, and the City Attorney shall participate in, prosecute or defend for and in behalf of the City such other suits, matters and controversies relating to City affairs as directed by resolution or ordinance of Council. The City Attorney shall defend on behalf of all police officers all suits brought against such police officers arising out of or in the course of their	writing in which the City is concerned and shall certify in writing the City Attorney's approval of the form and correctness thereof. The City Attorney may appoint such assistants and secretaries and clerks administrative professionals as Council may authorize. The City Attorney shall maintain an office in City Hall. The City Attorney shall be the prosecuting attorney for the City. The City Attorney may detail such of the City Attorney's assistants as the City Attorney may deem proper to assist in such work. The City Attorney shall prosecute all cases brought before all such courts where they are pending and perform the same duties, so far as they are applicable thereto, as are required of the Prosecuting Attorney of the County. The City Attorney shall prosecute or defend for and in on behalf of the City, all complaints, suits, and controversies in which the City is a party, and the City Attorney shall participate in, prosecute or defend for and in on behalf of the City such other suits, matters and controversies relating to City affairs as directed by resolution or ordinance of Council. The City Attorney shall defend on behalf of all	
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employment with the City, and shall defend on behalf of other City officials and employees such suits arising out of or in the course of their employment as the City Attorney shall, by resolution or ordinance of Council, be directed to defend. The Council, the director of any department, or any officer, board, or commission not included within a department, may request in writing the oral or written opinion of the City Attorney upon any question of law involving their respective powers or duties. The City Attorney shall apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of law, or which was procured by fraud or corruption, the abatement of a nuisance, or for such other acts where irreparable injury to the City or general public is involved and there is no adequate remedy at law. When an obligation or contract made on behalf of the City granting a right	police officers all suits brought against such police officers arising out of or in the course of their employment with the City, and shall defend on behalf of other City officials and employees such suits arising out of or in the course of their employment as the City Attorney shall, by resolution or ordinance of Council, be directed to defend. The Council, the Mayor, the director of any department, or any officer, board, or commission not included within a department, may request in writing the oral or written opinion of the City Attorney upon any question of law involving their respective powers or duties. The City Attorney shall apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City, or the abuse of its corporate powers, or the execution or performance of any contract made in on behalf of the City in contravention of law, or which was procured by fraud or corruption, the abatement of a nuisance, or for such other acts where irreparable injury to the City or general public is involved and there is no adequate remedy at law.	
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or easement, or creating a public duty, is being evaded or violated, the City Attorney shall apply for the forfeiture of the specific performance thereof as the nature of the case requires. In case any officer, board or commission fails to perform any duty required by law or this Charter, the City Attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty. In case the City Attorney, upon written request of any taxpayer of the City, fails to make any application provided for as referenced above, such taxpayer may institute suit or proceedings for such purpose in the taxpayer's own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the City Attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding. If the Court hearing any such action be satisfied that the taxpayer had good cause to believe the taxpayer's allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case	When an obligation or contract made on behalf of the City granting a right or easement, or creating a public duty, is being evaded or violated, the City Attorney shall apply for the forfeiture of the specific performance thereof as the nature of the case requires. In case any officer, board or commission fails to perform any duty required by law or this Charter, the City Attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty. In case the City Attorney, upon written request of any taxpayer of the City, fails to make any application provided for as referenced above, such taxpayer may institute suit or proceedings for such purpose in the taxpayer's own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the City Attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding. If the Court hearing any such action be satisfied that the taxpayer had good cause to believe the taxpayer's allegations were well founded, or that they are sufficient in law, it shall make such order		
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demand. In such case, the taxpayer shall be allowed the taxpayer's costs, and if judgment be finally entered in the taxpayer's favor, the taxpayer may be allowed as part of the costs, a reasonable compensation for the taxpayer's attorney. In addition to the duties imposed upon the City Attorney by this Charter or required of the City Attorney, by resolution or ordinance, the City Attorney shall perform the duties which are imposed upon City Law Directors by the general laws of the State. The City Attorney shall make a report to the Council, at its first regular meeting in January of each year or at such other time as Council may by resolution or ordinance designate, of the business of the City Attorney's office, and such other matters as the City Attorney deems proper to promote the good government and welfare of such City. The Council may provide the City with special legal counsel as it deems necessary.	as the equity and justice of the case demand. In such case, the taxpayer shall be allowed the taxpayer's costs, and if judgment be finally entered in the taxpayer's favor, the taxpayer may be allowed as part of the costs, a reasonable compensation for the taxpayer's attorney. In addition to the duties imposed upon the City Attorney by this Charter or required of the City Attorney, by resolution or ordinance, the City Attorney shall perform the duties which are imposed upon City Law Directors by the general laws of the State. The City Attorney shall make a report to the Council, at its first last regular meeting in January of each year or at such other time as Council may by resolution or ordinance designate, of the business of the City Attorney's office, and such other matters as the City Attorney deems proper to promote the good government and welfare of such City. The Council may provide the City with special legal counsel as it deems necessary.		
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